

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD SEPTEMBER 16, 2002 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond Graham, Chairman; Ms. Sharon McCamy, Vice Chairman;
Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Larry L. Weeks; Mr. G.
Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**UPDATE REGARDING THE IMPLEMENTATION OF THE PUBLIC SAFETY RADIO
SYSTEM**

A work session was held with County staff and consultants from Motorola to discuss the Contract Design Review and to receive an update of the status of negotiations to acquire access to towers that will be consistent with the Motorola plan and guarantee 95% coverage.

**REVIEW OF FARMLAND PURCHASE OF DEVELOPMENT RIGHTS (PDR)
PROGRAM ADOPTED BY RESOLUTION DATED FEBRUARY 19, 2002; FUNDING
SUPPORT RESOLUTION ADOPTED APRIL 15, 2002 PROVIDING ROLL BACK
TAXES; AND TO AUTHORIZE THE PROPOSED TIMELINE FOR PROGRAM
IMPLEMENTATION**

A work session was held with County staff and members of the Agricultural Advisory Committee to review the PDR application, selection criteria, selection committee and the proposed timeline for the PDR Program.

REASSESSMENT PROCESS

A work session was held to review and discuss the law of taxation and reassessment, a typical reassessment timeline and the points at which the Board of Supervisors impacts the reassessment process.

STATE BUDGET CUTS IMPLICATIONS

A work session was held to receive an update on the State revenue reduction issue and to consider interim contingency measures to address the loss of funding.

WEST NILE VIRUS

A work session was held with staff from the Virginia Department of Health and the Virginia Cooperative Extension Office to receive an update on the status of the West Nile Virus in Fauquier County. In addition, information was received regarding personal protection strategies and residential and community mosquito population control measures.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

ADOPTION OF THE AGENDA

Ms. McCamy moved to adopt the Agenda with the following changes. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

- Remove A Resolution to Waive Subdivision Water Supply Requirements at Botha Village from the Consent Agenda and place on the Regular Agenda for discussion.
- Remove from the Regular Agenda and place on the Consent Agenda, A Resolution Authorizing the Chairman to Execute a Visitor Center Agreement with the Town of Warrenton and the Fauquier County Chamber of Commerce; and, A Resolution Referring to the Planning Commission for its Consideration and Recommendation the Proposed Removal of a Portion of a 29.20 Acre Tract of Land Being Identified as a Portion of PIN 7915-31-0883 from the New Baltimore Sewer Service District Area and Reconfirming that PIN 7914-39-5958, 7914-39-7816, 7915-31-2397, 7915-31-6181, and 7915-40-0327 are not Within the New Baltimore Sewer Service District Area.
- Include Preliminary Subdivision Application – McConchie Acres; and, Waiver of Zoning Ordinance Section 7-302.1B to Allow a Private Street that Does Not Connect Directly to a State Maintained Street as additions to the Consent Agenda.
- Include Preliminary Subdivision Plat Revision Application – Brookside as an addition to the Regular Agenda.
- Accept a substitute resolution for A Resolution Authorizing Implementation of a County Administration/County Attorney Salary Market Study.

CITIZENS TIME

- Inez Reeve-Huber, representing the North Wales Homeowners Association, spoke regarding the Association's concern about water supply once the proposed homes are built at Botha. Ms. Reeve-Huber also presented a petition signed by residents in the area.
- Mimi Moore, representing Citizens for Fauquier County, spoke regarding the concern about water supply once the proposed homes are built at Botha.

- Kitty Smith, Marshall District, asked that the Board of Supervisors not act on the proposed resolution waiving the water supply requirements at Botha because of the precedence that would be set. She suggested that the Board wait until a more suitable well is found on the property.
- Paul Adam, Lee District, spoke regarding the concern about water supply once the proposed homes are built at Botha.
- John Wickert, Center District, said that “Jake-breaking” is marketed as a safety tool when in fact it is not; it saves brakes. He asked the Board to follow-up on a request to the Virginia Department of Transportation to require builders to put up barriers.
- Max Harway asked the Board of Supervisors to consider appointing Mary Schlegel to the Rappahannock-Rapidan Community Services Board when a position becomes vacant in December.
- Chuck Medvitz, Scott District, asked the Board of Supervisors to be more aggressive in pursuing water management policies for the County.

PROCLAMATIONS AND RECOGNITIONS

On behalf of the Board of Supervisors, Ms. McCamy presented Shirley Frazier with a proclamation in honor of her retirement as Clerk to the Fauquier County School Board.

Mr. Atherton invited everyone to attend the Patsy Cline Day celebration scheduled for October 27, 2002 at the Warrenton Horse Show Grounds.

CONSENT AGENDA

Ms. McCamy moved to adopt the following Consent Agenda items. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

Approval of the Minutes of the August 19, 2002 Board of Supervisors’ Regular Meeting

A Resolution to Authorize a Change in the Location of the Fauquier County Board of Supervisors' Regular Meetings of October 21, November 18, and December 16, 2002

RESOLUTION

A RESOLUTION TO AUTHORIZE A CHANGE IN THE MEETING
LOCATION FOR THE FAUQUIER COUNTY BOARD OF SUPERVISORS'
OCTOBER 21, NOVEMBER 18, AND DECEMBER 16, 2002 REGULAR MEETINGS

Be It Resolved by the Fauquier County Board of Supervisors this 16th day of September 2002, That the Board of Supervisors does hereby authorize the change in location for the October 21 and November 18, 2002 regularly scheduled meetings to The Barn at the Fauquier Campus of the Lord Fairfax Community College, 6480 College Street, Warrenton, Virginia; and, be it

Resolved Further, That the Board of Supervisors does hereby authorize the change in location for the December 16, 2002 regularly scheduled meeting to M. M. Pierce Elementary School, 12074 James Madison Street, Remington, Virginia.

A Resolution to Authorize a Career Ladder Program Within the Geographic Information Systems (GIS) Department

RESOLUTION

A RESOLUTION AUTHORIZING A CAREER LADDER PROGRAM WITHIN
THE GEOGRAPHIC INFORMATION SYSTEMS (G.I.S.) DEPARTMENT

WHEREAS, the G.I.S. Department is comprised of three full-time permanent positions;
and

WHEREAS, one of these three positions is an entry level G.I.S. Technician; and

WHEREAS, the G.I.S. Technician position is normally filled by student interns from the G.I.S. Department or candidates who are recent college graduates with no G.I.S. work experience; and

WHEREAS, once G.I.S. Technicians receive on-the-job training and increase their skill levels, they become attractive recruits for other localities and private sector firms; and

WHEREAS, the current structure of the G.I.S. Department provides no opportunity for career advancement; and

WHEREAS, the G.I.S. Department requests implementation of a career ladder program that includes continuing authorization to promote employees to G.I.S. Specialist, G.I.S. Specialist Senior, and/or G.I.S. Analyst as they meet the following criteria:

G.I.S. Specialist

1. Three years of experience in Geographic Information Systems or geographic related disciplines, one year of which is within the G.I.S. Department;

2. Continuing professional education in Geographic Information Systems or geographic related disciplines such as enrollment in the Professional G.I.S. Certification Program through George Mason University or similar courses offered through an accredited college or university;
3. One year of experience or equivalent education in basic relational database management and development using a G.I.S. application, MS Access, MS Excel or related database management software or system;
4. A rating of "Exceeds Standards" or higher on the most recent annual performance evaluation; and
5. Recommendation of the G.I.S. Manager and the approval of the Deputy County Administrator/County Administrator.

G.I.S. Specialist, Sr.

1. Five years of experience in Geographic Information Systems or geographic related disciplines, two years of which are within the G.I.S. Department;
2. Continuing professional education in Geographic Information Systems or geographic related disciplines such as enrollment in the Professional G.I.S. Certification Program through George Mason University or similar courses offered through an accredited college or university;
3. Three years of experience in relational database management and development using a G.I.S. application, MS Access, MS Excel or related database management software or system, or completion of intermediate level coursework through an accredited college or university in MS Access or MS Excel;
4. A rating of "Exceeds Standards" or higher on the most recent annual performance evaluation; and
5. Recommendation of the G.I.S. Manager and the approval of the Deputy County Administrator/County Administrator.

G.I.S. Analyst

1. Eight years of experience working with Geographic Information Systems or in related field, two years of which are within the G.I.S. Department, or a degree in Geography or related discipline where courses were taught using a G.I.S. application and two consecutive years of working in the G.I.S. Department;
2. Successful completion of the Professional G.I.S. Certification Program through George Mason University;
3. Continuing professional education in Geographic Information Systems or geographic related disciplines through courses offered at an accredited college or university;
4. Completion of a basic project planning or project management class or course;

5. Four years of experience in relational database management and development using a G.I.S. application, MS Access, MS Excel or related database management system, or completion of advanced level coursework through an accredited college or university in MS Access or MS Excel;
6. A rating of "Exceeds Standards" or higher on the most recent annual performance evaluation; and
7. Recommendation of the G.I.S. Manager and approval of the Deputy County Administrator/ County Administrator; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That a career ladder program be established within the G.I.S. Department.

A Resolution Authorizing the Vacant Position of GIS Technician to be Re-titled to GIS Specialist

RESOLUTION

A RESOLUTION AUTHORIZING THE VACANT POSITION OF
G.I.S. TECHNICIAN TO BE RE-TITLED TO G.I.S. SPECIALIST

WHEREAS, a recent vacancy within the G.I.S. Department has provided an opportunity to assess the structure of the Department; and

WHEREAS, the assessment revealed a demonstrated need for increased technical performance levels and experience indicative of a G.I.S. Specialist, as opposed to a G.I.S. Technician; and

WHEREAS, the position of G.I.S. Technician is graded at a level 23 and the position of G.I.S. Specialist is graded at a level 25; and

WHEREAS, a request has been made to re-title the G.I.S. Technician position to G.I.S. Specialist; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the position of G.I.S. Technician, grade 23, be re-titled to G.I.S. Specialist, grade 25.

A Resolution Authorizing Reclassification of the Position of Senior Planner to Assistant Chief of Planning

RESOLUTION

A RESOLUTION AUTHORIZING RECLASSIFICATION OF THE
POSITION OF SENIOR PLANNER TO ASSISTANT CHIEF OF PLANNING

WHEREAS, in accordance with Human Resources Policy #23, positions are analyzed by DMG Maximus for potential reclassification; and

WHEREAS, the position of Senior Planner, grade 35, was analyzed by DMG Maximus resulting in no changes being made to the existing position; and

WHEREAS, upon appeal, the position of Senior Planner was analyzed by the Human Resources Department; and

WHEREAS, the Human Resources Department recommended, with the concurrence of the County Administrator, that the position of Senior Planner, grade 35, be reclassified to Assistant Chief of Planning, grade 37; and

WHEREAS, the Personnel Committee concurs with the recommendation of the Human Resources Department; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the position of Senior Planner, grade 35, be reclassified to Assistant Chief of Planning, grade 37.

A Resolution Authorizing the Revision and Abolishment of Selected Fauquier County Government Human Resources Policies

RESOLUTION

A RESOLUTION AUTHORIZING THE REVISION AND ABOLISHMENT OF
SELECTED FAUQUIER COUNTY GOVERNMENT HUMAN RESOURCES POLICIES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date personnel policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is being reviewed for necessary additions, revisions and deletions; and

WHEREAS, a review has been conducted with respect to selected policies; and

WHEREAS, a recommendation is made to abolish Policy 5, Personnel Policy Committee; and

WHEREAS, a recommendation is made to remove Policy 48, Bloodborne Pathogens, from the Human Resources Policy Manual and place Policy 48 in the Human Resources Procedures Manual; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the afore referenced revisions be made to the Human Resources Policy Manual.

A Resolution Adopting the Timeline for Recommendation Process for Purchase of Farmland Development Rights

RESOLUTION

A RESOLUTION ADOPTING THE TIMELINE FOR RECOMMENDATION
PROCESS FOR PURCHASE OF FARMLAND DEVELOPMENT RIGHTS

WHEREAS, at its February 19, 2002 meeting, the Board of Supervisors adopted the Farmland Preservation Program – Purchase of Development Rights (PDR); and

WHEREAS, the Board of Supervisors has adopted the application and selection criteria;
and

WHEREAS, the Fauquier County Agricultural Advisory Committee has been selected to rank applications and advise the Board of Supervisors of selected farm parcel(s); and

WHEREAS, it is anticipated that the County of Fauquier will receive \$1,500,000 from Old Dominion Electric Cooperative (ODEC) specifically for the PDR Program within five miles proximate to the ODEC peaking power plant and, in addition, roll-back taxes have been set aside to fund the PDR Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the following timeline be, and is hereby, adopted to be followed by the County Agricultural Development Officer and the Agricultural Advisory Committee for recommendation of qualified Purchase of Development Rights to the Board of Supervisors using the application process:

Proposed Timeline for Farmland Preservation Program
Purchase of Development Rights

October – December – Application period

October– Public Notice is given to all County landowners requesting applications for Farmland Preservation Program Purchase of Development Rights.

Third Friday in December – Application period ends 4 p.m.

January – March – Application Review and ranking

January – February–

Community Development determines number of development rights on each parcel owned by each applicant.

Geographic Information Systems Department develops parcel maps including soil types, hydrology, ground cover, and properties with ½ mile radius.

AG Development Office reviews applications and makes site visits.

March - Ag Advisory Committee ranks applications and advises approval to Board of Supervisors on selected farm parcel(s).

April – June – Purchase Approval

BOS reviews and votes on expenditure for PDR's and authorizes County Administrator to purchase development rights

July – September – Purchase completed

County Attorney prepares legal documents for County to purchase development rights. Purchase of Development Right is consummated by County Administrator.

A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Ordinance Amending Section 13.5-3 of the Code of Fauquier County to Add Subsection (D) Prohibiting Excessive Noise Caused by Engine Braking Except for Responding to Bona Fide Emergency Occurrences

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING SECTION 13.5-3 OF THE CODE OF FAUQUIER COUNTY TO ADD SUBSECTION (D) PROHIBITING EXCESSIVE NOISE CAUSED BY ENGINE BRAKING EXCEPT FOR RESPONDING TO BONA FIDE EMERGENCY OCCURRENCES

WHEREAS, the Board of Supervisors, by the adoption of this resolution, states its intent to receive citizen comment on a proposed ordinance amending Section 13.5-3 of the Code of Fauquier County to add Subsection (d) prohibiting excessive noise caused by engine braking of trucks which is injurious to the health, safety and welfare of the citizens of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed ordinance amending Section 13.5-3 of the Code of Fauquier County to add Subsection (d) prohibiting excessive noise caused by engine braking except for responding to bona fide emergency occurrences.

A Resolution to Authorize a Public Hearing to Amend the FY 2002 Adopted Budget in the Amount of \$20,100 and the FY 2003 Adopted Budget in the Amount of \$1,581,925

RESOLUTION

A RESOLUTION AUTHORIZING A PUBLIC HEARING TO AMEND THE FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$20,100 AND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$1,581,925

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2002 Budget on March 19, 2001, and FY 2003 Budget on March 25, 2002; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2002 appropriation of \$20,100 and FY 2003 appropriation of \$1,581,925 for the following purpose:

| <u>Amount</u> | <u>Source of Funds</u> | <u>Issue</u> |
|--------------------|--|--|
| FY 2002 | | |
| \$839 | State Funds | Forfeited Asset Sharing |
| \$10,359 | Federal Funds | DMV Overtime Reimbursement |
| \$3,382 | Federal Funds | DEA Overtime Reimbursement |
| \$5,520 | Federal Funds | Juvenile Accountability Incentive Block Grant |
| FY 2003 | | |
| \$9,730 | State Funds | Seizure Funds |
| \$2,378 | Insurance Proceeds | Vehicle Hail Damage Repair |
| \$4,703 | State Funds | TRIAD Program for Senior Citizens |
| \$14,133 | State Funds | Child Day Care Quality Initiative Grant – Social Services |
| \$900,000 | Environmental Services Enterprise Fund | New Landfill Cell |
| \$2,729 | Insurance Proceeds | Repair Damaged Equipment |
| \$3,500 | Carryover – Fund Balance | Gain Sharing: Economic Development and Information Resources |
| \$11,799 | Fire & Rescue – Fund Balance | Vehicle Purchase |
| \$7,848 | Federal Funds | School to Work Grant |
| 22,733 | Federal Funds | Career and Technical Education Perkins Grant |
| \$10,367 | Federal Funds | Sliver Grant |
| \$7,000 | Local Donation | Elementary Schools Software |
| \$1,473 | Federal Funds | Assistive Technology Grant |
| \$577,396 | Fund Balance | Emergency Radio System Debt Service |
| \$6,136 | Carryover – Fund Balance | Bealeton Library Expansion |
| <u>\$1,602,025</u> | | TOTAL |

; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the County Administrator be, and is hereby, directed to advertise a public hearing to consider amending the Fauquier County FY 2002 Budget in the amount of \$20,100 and the FY 2003 Budget in the amount of \$1,581,925.

A Resolution to Award a Contract Addendum for Airport Construction Management Services to Campbell and Paris Engineers, P.C.

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT ADDENDUM
FOR AIRPORT CONSTRUCTION MANAGEMENT SERVICES
TO CAMPBELL AND PARIS ENGINEERS, P.C.

WHEREAS, it is necessary to provide construction management services during Phase One improvements at the Warrenton-Fauquier Airport; and

WHEREAS, an independent fee estimate has been provided and submitted to the Federal Aviation Administration; and

WHEREAS, Federal and State agencies will provide 98% of the costs associated with this contract; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the County Administrator be, and is hereby, authorized to enter into an addendum to the contract with Campbell and Paris Engineers, P.C. in the amount of \$307,570 for construction management services, contingent upon approval of the Federal Aviation Administration and the Virginia Department of Aviation.

A Resolution Authorizing the County Administrator to Schedule a Public Hearing to Consider Amending Section 7-2 of the Code of Fauquier County to Change Various Voting Places Within Fauquier County

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO SCHEDULE A PUBLIC HEARING TO CONSIDER AMENDMENT
TO SECTION 7.2 OF THE CODE OF FAUQUIER COUNTY TO CHANGE
VARIOUS VOTING PLACES WITHIN FAUQUIER COUNTY

WHEREAS, the Fauquier County Board of Supervisors has worked with the Board of Elections to review the adequacy of polling places; and

WHEREAS, the Board of Supervisors seeks to utilize public buildings and to provide polling places that are accessible to all citizens; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the County Administrator be, and is hereby, authorized to schedule a public hearing to consider amending Section 7.2 of the Code of Fauquier County to change voting places within Fauquier County.

A Resolution to Award a Contract for Masonry Repairs to the Marshall Community Center

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR MASONRY
REPAIRS TO THE MARSHALL COMMUNITY CENTER

WHEREAS, funds are provided in the Capital Improvements Program for repairing the exterior masonry walls at the Marshall Community Center; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the County Administrator be, and is hereby, authorized to execute a contract with Culbertson Company of Virginia in the amount of \$119,890 for repairs to the Marshall Community Center.

Subdivision Street Acceptance Resolution for Jamison's Woods Subdivision

RESOLUTION

FAUQUIER COUNTY BOARD OF SUPERVISORS
SUBDIVISION STREET ACCEPTANCE RESOLUTION FOR
JAMISON'S WOODS SUBDIVISION
SCOTT MAGISTERIAL DISTRICT

WHEREAS, certain streets on the site location map titled "Jamison's Woods Subdivision" dated September 5, 2002, and described on the Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, on February 7, 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets in the State Highway Secondary System for maintenance, as provided in Sec. 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this Board does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in the Jamison's Woods Subdivision, with necessary easements for cuts, fills, and drainage; as recorded in Deed Book 690, Page 219, dated February 26, 1993 and in Deed Book 849, Page 1558, dated September 9, 1999; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Preliminary Subdivision Application – Wooded Run Estates

No action was taken.

Zoning Ordinance Text Amendment – Article 9-1000, Outdoor Lighting, Sections 9-1001 and 9-1006, Outdoor Recreation Lighting

A public hearing was held at the August 19, 2002 meeting to consider amending Article 9-1000, Outdoor Lighting, and Sections 9-1001 and 9-1006, Outdoor Recreation Lighting, of the Fauquier County Zoning Ordinance.

ORDINANCE

AN ORDINANCE APPROVING THE AMENDMENT TO SECTIONS 9-1001 (PURPOSE AND INTENT) AND 9-1006 (GENERAL REQUIREMENTS FOR ALL ZONING DISTRICTS) REGARDING OUTDOOR RECREATIONAL LIGHTING

WHEREAS, Section 9-1000 of the Fauquier County Zoning Ordinance regulates outdoor light control; and

WHEREAS, outdoor recreational lighting is a specialized field; and

WHEREAS, outdoor recreational lighting plan approval will be mandatory; and

WHEREAS, this Zoning Ordinance text amendment will provide regulations to minimize skyglow, glare and light spillover onto surrounding streets and properties from outdoor recreational lighting; and

WHEREAS, the amendment will provide for safe play; and

WHEREAS, on March 28, 2002, the Fauquier County Planning Commission held a public hearing; and

WHEREAS, on June 27, 2002, the Fauquier County Planning Commission voted to forward this revised amendment to the Board of Supervisors with a recommendation for approval; and

WHEREAS, on August 19, 2002, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the Fauquier County Board of Supervisors believes these amendments will be in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of September 2002, That Sections 9-1001 and 9-1006 be amended regarding the purpose and intent for outdoor lighting control and outdoor recreational lighting. The sections will be amended to read as follows:

Section 9-1001 Purpose and Intent

The purposes of this section is to regulate the placement, orientation, distribution and fixture type and size of outdoor lighting. The intent of this section is to encourage lighting that provides safety, utility and security, as well as preventing glare on public roadways and to protect adjoining properties the outdoor lighting regulations are to protect dark skies, the general welfare by controlling the spillover of light onto adjacent properties, and the public safety by preventing glare from outdoor luminaries, and to limit the intensity of light on certain adjacent areas, roadways and properties as provided herein.

Section 9-1006 General Requirements for all Zoning Districts.

1. Public or Private Recreational Facilities. Outdoor nighttime recreational events have unique and site specific lighting needs. The regulations in this section are intended to permit adequate illumination for such events, while minimizing skyglow, reducing glare and lighting spillover onto surrounding streets and properties.
 - a. Primary Playing Areas with the exception of residential accessory uses.
 - (1) Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified, in the Lighting Plan, mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings so that no direct light illumination is directed off site mounted, and aimed so that their beams fall within the primary playing area. Direct illumination shall be confined to within the property lines of the recreational use. Full light cutoff shall be required. No lighting shall be emitted above the horizontal plane of the luminaire, and the average maintained illumination levels must be within the parameters of the activity recommended by the Illumination Engineering Society of North America (IESNA).
 - (2) A sports complex or athletic field lighting design plan shall be submitted, which demonstrates in detail the proposed lighting installation.

~~b. Recreation Parking Areas. Lighting for these parking areas shall meet the requirements identified in 9-1006.5.~~

- b. For each athletic field or complex to be illuminated, a lighting design plan shall be submitted which demonstrates in detail the property lighting installation. The design plan shall include the lighting requirements for each sports field, the specifications and technical measures showing how those requirements will be achieved. Special tree planting and/or buffering to assist in light control and protection of adjacent properties and roadways shall be included. Parking lot lighting requirements are included in Section 9-1006, 5., and entitled All Parking Lots, Loading and Display Areas.
- c. Outdoor recreational lighting is not permitted in the Rural Conservation (RC) Zoning Districts, or within 1,000 feet from the Rural Conservation (RC) zoning line.
- d. All applications for lighted outdoor recreational facilities shall include a computer generated light level grid in conjunction with a site plan for the proposed field and associated facilities.
- e. A certified lighting designer or manufacturer's representative shall evaluate the completed installation and shall certify that the installation meets the shielding, illumination and light standards contained herein.
- f. Event Hours. All events shall be scheduled so as to complete all activity before or as near to 11:00 p.m. as practical, but under no circumstances shall any illumination of the playing field, court or track be permitted after 11:00 p.m. except to conclude an event that was reasonably scheduled to conclude prior to 11:00 p.m. No event shall be permitted after 11:00 p.m.

All newly lighted fields, or existing fields being upgraded or refitted, (public or private) shall be equipped with override timing devices which will automatically cut off the lights to ensure curfew compliance.

- g. A modification, waiver or variation from the standards set forth in this article may be granted by the Board of Supervisors, with Planning Commission recommendation. Both the Board of Supervisors and the Planning Commission shall hold a public hearing on the proposed modification, waiver or variation.

The Board of Supervisors may modify or waive any standard set forth in Article 9 for an individual case, and it may impose conditions on such a modification or waiver which it deems appropriate to further the purposes of these outdoor recreational lighting regulations, in either of the following circumstances:

- (1) Upon finding the strict application of the standard would not forward the purposes of this chapter, or that alternatives proposed by the applicant would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.
 - (2) Upon finding that any outdoor fixture, or system of outdoor fixtures, required for an athletic field cannot reasonably comply with the standard and provide safe and sufficient illumination of the field, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America for that type of field or activity.
- h. Required Notice for Public Hearing, Written Notice to Applicant/Owners and Written Notice to Adjacent Property Owners shall be in accord with Section 13-111 4. Of the Zoning Ordinance for all requests to modify, waive or vary the light requirements as set forth in this section.

Zoning Ordinance Text Amendment – Section 3-400.12, Minimum Required Front Yards

A public hearing was held at the August 19, 2002 meeting to consider amending Section 3-400.12 of the Zoning Ordinance regarding a proposal to increase the required front yard (setback) requirements.

ORDINANCE

AN ORDINANCE APPROVING A TEXT AMENDMENT TO SECTION 3-400.12 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO INCREASE THE MINIMUM REQUIRED FRONT YARD TO 150 FEET FOR PARCELS ZONED RESIDENTIAL AND FRONTING ON ROADS DESIGNATED AS ARTERIALS OR FREEWAYS IN THE COMPREHENSIVE PLAN OR ON ROUTE 215 AND LYING WITHIN SERVICE DISTRICT BOUNDARIES OR IN RURAL ZONING DISTRICTS

WHEREAS, the Fauquier County Zoning Ordinance regulates the required minimum front yard setbacks for structures and other uses; and

WHEREAS, the Virginia Department of Transportation requested measurement of the required front yard be changed from the centerline of the road or lane to the property line; and

WHEREAS, that proposal would lead to numerous nonconforming structures and lots; and

WHEREAS, this proposal would provide an additional buffer along Fauquier County's major roads for residentially zoned properties in the service districts and in rural zoning districts; and

WHEREAS, this amendment would not apply to Village, Commercial or Industrial Zoning Districts; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on July 25, 2002; and

WHEREAS, the Planning Commission voted to forward this text amendment proposal to the Fauquier County Board of Supervisors with a recommendation for approval; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on August 19, 2002; and

WHEREAS, the Board of Supervisors finds this ordinance to be in the best interest of the citizens of Fauquier County and to be in accord with the spirit of the Zoning Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the text amendment to Section 3-400.12 of the Fauquier County Zoning Ordinance be amended to read as follows:

PART 4 3-400 USE REGULATIONS

FOOTNOTES:

12. NOTE: Front yards shall be measured from the centerline of street, or centerline of nearest pair of lanes in the case of a street with more than two lanes front property line along a dedicated right-of-way or from the edge of the easement in the case of a proscriptive easement or private street. The minimum front yard shall be 150 feet for properties zoned residential in a service district and in rural zoning districts if those properties front on a road classified as an arterial or freeway in the Comprehensive Plan or on Route 215. This requirement would not apply to the Village, Commercial or Industrial Zoning Districts.

A Resolution to Revise Fees at the Landfill for Accepting Special Items

A public hearing was held at the August 19, 2002 meeting to consider revising the Landfill fee schedule for accepting special items such as tires, units containing Freon, and tree stumps.

RESOLUTION

A RESOLUTION TO REVISE FEES AT THE
LANDFILL FOR ACCEPTING SPECIAL ITEMS

WHEREAS, the Fauquier County Landfill accepts special wastes such as tires, units containing Freon, and tree stumps that require special processing; and

WHEREAS, a duly advertised public hearing concerning fee increases was held on August 19, 2002; and

WHEREAS, the costs associated with handling these special wastes have increased; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the following rates be, and are hereby, established for accepting special wastes at the Fauquier County Landfill to be effective October 1, 2002:

| | |
|-------------------------------------|------------------|
| Small Utility Tire (off rim) | \$ 1.00 |
| Small Utility Tire (on rim) | \$ 2.00 |
| Car Tire (off rim) | \$ 2.00* |
| Car Tire (on rim) | \$ 4.00 |
| Large Truck Tire (off rim) | \$ 4.00 |
| Tractor Tire | \$ 5.00 |
| Units Containing Freon | \$ 10.00 |
| Disposal of Tree Stumps (Residents) | \$ 38.00 per ton |

* Large amounts of tires @ \$200.00 per ton

Fauquier County Code Amendment – Section 8-37 – Fees in Criminal and Traffic Cases

A public hearing was held at the August 19, 2002 meeting to consider amending Section 8-37 of the Fauquier County Code relating to fees in criminal and traffic cases.

ORDINANCE

AN ORDINANCE AMENDING SECTION 8-37 OF THE CODE OF FAUQUIER COUNTY RELATING TO FEES IN CRIMINAL AND TRAFFIC CASES

WHEREAS, Section 8-37 of the Code of Fauquier County imposes a fee on all criminal and traffic cases to provide for courthouse maintenance and security personnel; and

WHEREAS, Section 15.2-1613.1 of the Code of Virginia authorizes the assessment of fees relating to the operation of the Sheriff's Office; and

WHEREAS, Section 15.2-1613.1 was enacted by the General Assembly effective July 1, 2002, to permit the County of Fauquier to assess a sum not in excess of \$25.00 as part of costs in each criminal or traffic case where any individual is admitted to a county, city, or regional jail following a conviction; and

WHEREAS, after due notice and public hearing, the Board of Supervisors has determined it to be in the best interest of Fauquier County to adopt the following Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of September 2002, That Section 8-37 of the Code of Fauquier County be, and is hereby, amended to read as follows:

Section 8-37. Fees in criminal, traffic cases.

a. Fee for Courthouse Maintenance.

Pursuant to authority granted in Section 17.1-281 of the Code of Virginia, 1950, as amended, there is hereby imposed a fee of two dollars (\$2.00) to be taxed as costs in each criminal or traffic case in the district and circuit courts for the County of Fauquier.

The clerks of the district and circuit courts for the county are directed to collect assessment and remit it to the treasurer for the county, to be held subject to disbursement by the board of supervisors for those purposes provided by Section 17.1-281 of the Code of Virginia.

b. Fee for Courthouse Security Personnel.

Pursuant to authority granted in Section 53.1-120 of the Code of Virginia, as amended, there is hereby assessed a sum of five dollars (\$5.00) as part of the costs in each criminal or traffic case in the district and circuit court of Fauquier County in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the county, and shall be held by the treasurer subject to appropriation by the Board of Supervisors to the Sheriff's Office for the funding of courthouse security personnel.

c. Fee for Inmate Processing

Pursuant to authority granted in Section 15.2-1613.1 of the Code of Virginia there is hereby assessed a sum of twenty-five dollars (\$25.00) as part of the court costs collected by the clerk from any individual admitted to the county detention center or Clarke, Fauquier, Frederick Winchester Regional Jail following a conviction. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the county and shall be used by the sheriff's office to defray the costs of processing arrested persons into the county detention center or the Clarke, Fauquier, Frederick Winchester Regional Jail .

;and, be it

ORDAINED FURTHER, That this Ordinance shall be effective upon adoption.

Preliminary Subdivision Application – McConchie Acres

No action was taken.

Waiver of Zoning Ordinance Section 7-302.1.B to Allow a Private Street that Does Not Connect Directly to a State Maintained Street – Joyce M. Johnson

RESOLUTION

A RESOLUTION TO WAIVE ZONING ORDINANCE SECTION 7-302.1.B
TO ALLOW A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY
TO A STATE MAINTAINED STREET

WHEREAS, Joyce M. Johnson, applicant, is seeking a waiver to Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a state maintained street; and

WHEREAS, the applicant wishes to submit a family transfer division application to divide a 5.687 acre parcel, with access to Roberts Way, into two lots to create a lot for her daughter; and

WHEREAS, Roberts Way is an existing private street that connects directly to Brent Town Road (Route 612), a state maintained street; and

WHEREAS, only one family transfer lot may be created from the 5.687 acre parcel, and no subsequent lots may be created under the current Rural Agriculture zoning designation and County Ordinances; and

WHEREAS, at its meeting on August 30, 2002, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That Zoning Ordinance Section 7-302.1.B be, and is hereby, waived to permit Joyce M. Johnson to create one family transfer division on a private street that does not connect directly to a state maintained street.

A Resolution Authorizing the Chairman to Execute a Visitor Center Agreement with the Town of Warrenton and the Fauquier County Chamber of Commerce

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF
SUPERVISORS TO EXECUTE A VISITOR CENTER AGREEMENT WITH THE
TOWN OF WARRENTON AND THE FAUQUIER COUNTY CHAMBER OF COMMERCE

WHEREAS, the Town of Warrenton and Fauquier County fund the operation of a visitor center within a state accredited tourism community known as the Warrenton-Fauquier Visitor Center, which is currently located at 183-A Keith Street, Warrenton, Virginia (hereinafter referred to as the "Visitor Center"), and is currently operated by the Chamber of Commerce; and

WHEREAS, the Town and County desire for the Chamber of Commerce to continue operating the Visitor Center as a welcome and information center for visitors to Fauquier County and the Town of Warrenton; and

WHEREAS, the Chamber of Commerce desires to operate and manage the Visitor Center on behalf of the Town and County; and

WHEREAS, the Town, County and Chamber of Commerce wish to set forth an agreement on the operation and management of the Visitor Center; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute, on behalf of the County, an agreement with the Town of Warrenton and the Fauquier County Chamber of Commerce to operate the Warrenton-Fauquier Visitor Center.

(A copy of the above referenced agreement is filed with the 16 September 2002 Fauquier County Board of Supervisors meeting file.)

A Resolution Referring to the Planning Commission for its Consideration and Recommendation the Proposed Removal of a Portion of a 29.20 Acre Tract of Land Being Identified as a Portion of PIN 7915-31-0883 from the New Baltimore Sewer Service District Area and Reconfirming that PIN 7914-39-5958, 7914-39-7816, 7915-31-2397, 7915-31-6181, and 7915-40-0327 are Not Within the New Baltimore Sewer Service District Area

RESOLUTION

A RESOLUTION REFERRING TO THE PLANNING COMMISSION FOR ITS CONSIDERATION AND RECOMMENDATION THE PROPOSED REMOVAL OF A PORTION OF A 29.20 ACRE TRACT OF LAND BEING IDENTIFIED AS A PORTION OF PIN #7915-31-0883 FROM THE NEW BALTIMORE SEWER SERVICE DISTRICT AREA AND RECONFIRMING THAT PIN 7914-39-5958, 7914-39-7816, 7915-31-2397, 7915-31-6181 AND 7915-40-0327 ARE NOT WITHIN THE NEW BALTIMORE SEWER SERVICE DISTRICT AREA

WHEREAS, on May 20, 2002, the Board of Supervisors adopted a resolution approving Comprehensive Plan Amendment #CPA00-S-05 including certain parcels, more particularly identified in the resolution in the sewered area of the New Baltimore Service District, a copy of the Board's resolution is contained in the May 20, 2002 minutes of the Board of Supervisors; and

WHEREAS, the aforesaid May 20, 2002 resolution of the Board of Supervisors included in the sewered area of the New Baltimore Service District a 29.20 acre parcel of land more particularly described as PIN #7915-31-0883; and

WHEREAS, a portion of PIN 7915-31-0883 was included as part of the preliminary subdivision plat of the Brookside Subdivision (#PPR02-S-03); and

WHEREAS, the Board of Supervisors now wishes to consider the proposed removal from the sewered area of the New Baltimore Service District a portion of the 29.20 acre parcel of land more particularly described as PIN #7915-31-0883 which is not a part of the preliminary subdivision plat of the Brookside Subdivision (#PPR02-S-03); and

WHEREAS, the Board of Supervisors wishes to reconfirm that the following parcels are not within the sewered area of the New Baltimore Service District, said parcels being more particularly described as PIN 7914-39-5958, 7914-39-7816, 7915-31-2397, 7915-31-6181 and 7915-40-0327; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the proposed removal from the sewered area of the New Baltimore Service District of the portion of the 29.20 acre parcel of land more particularly described as PIN #7915-31-0883 which is not a part of the preliminary subdivision plat of the Brookside Subdivision (#PPR02-S-03) be, and is hereby, referred to the Planning Commission for its consideration and recommendation; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby reconfirm that the following parcels are not within the sewered area of the New Baltimore Service District, said parcels being more particularly described as PIN 7914-39-5958, 7914-39-7816, 7915-31-2397, 7915-31-6181 and 7915-40-0327.

AMENDMENT TO CHAPTER 11 OF THE CODE OF FAUQUIER COUNTY TO ADD ARTICLE II, ENTITLED STORMWATER MANAGEMENT

A public hearing was held at the August 19, 2002 meeting to consider amending Chapter 11 of the Fauquier County Code to add Article II, entitled Stormwater Management. Mr. Winkelmann moved to adopt the following ordinance. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 11 OF THE CODE OF FAUQUIER COUNTY TO ADD ARTICLE II ENTITLED STORMWATER MANAGEMENT

WHEREAS, the Board of Supervisors has initiated a request to amend Chapter 11 of the Code of Fauquier County to add Article II to Chapter 11 related to Stormwater Management; and

WHEREAS, on May 31, 2002, the Fauquier County Planning Commission held a public hearing on the proposed amendment to the Code of Fauquier County; and

WHEREAS, on June 27, 2002, the Fauquier County Planning Commission approved a motion recommending approval of the requested amendment; and

WHEREAS, on August 19, 2002, the Board of Supervisors held a public hearing on this request to amend the Code of Fauquier County; and

WHEREAS, by the adoption of this amendment to the Code of Fauquier County, the Board of Supervisors desires to protect and preserve the physical beauty, historical heritage and environmental integrity of the County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the Code of Fauquier County be amended to include Article II to Chapter 11 related to Stormwater Management and is hereby approved as follows; and, be it

ORDAINED FURTHER, That such final construction plans, which have been accepted as complete for stormwater management review, shall be deemed grand fathered and shall be subject to the terms and conditions of the replaced ordinances; and, be it

ORDAINED FINALLY, That Section 4.5 Insect Management be added to address the current environmental issues associated with mosquito control.

Fauquier County Stormwater Management Ordinance

Table of Contents:

Introduction

Section 1. General Provisions

Section 2. Definitions

Section 3. Stormwater Management Program Permit Procedures and Requirements

Section 4. General Criteria for Stormwater Management

Section 5. Construction Inspection Provisions

Section 6. Maintenance and Repair of Stormwater Facilities

Section 7. Enforcement and Violations

Introduction

The Board of Supervisors desires to protect and preserve the physical beauty, historical heritage and environmental integrity of the County. The Board recognizes that development may degrade the waters through increasing flooding, stream channel erosion, and the transport and disposition of waterborne pollutants. Therefore, the County finds it is in the public interest to enable the establishment of stormwater management programs.

Section 1. General Provisions

1.1. Statutory Authority

The Virginia Stormwater Management Law (“Law, also known as the Virginia Stormwater Management Act or “Act”) Title 10.1, Chapter 6, Article 1.1 of the Code of Virginia, enables localities to adopt, by ordinance, a stormwater management program consistent with state regulations promulgated pursuant to the Law.

1.2. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect properties, safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction, and protect aquatic resources. This ordinance seeks to meet that purpose through the following objectives:

1. Require that land development and land conversion activities control the after-development runoff characteristics, as nearly as practicable, to the pre-development runoff characteristics in order to reduce the magnitude and frequency of flooding, siltation, stream bank erosion, and property damage;
2. Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;
3. Establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
4. To reduce flood damage in an effort to safeguard public health, safety and property.

1.3. Applicability

This ordinance shall be applicable to all subdivision, site plan, or land use conversion applications, unless eligible for an exception by the Board of Supervisors or its designee. The ordinance also applies to land development activities that are smaller than the minimum applicable criteria if such activities are part of a larger common plan of development that meets the applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules.

To prevent the adverse impacts of stormwater runoff, the county has developed a set of performance standards that must be met at all development sites. These standards apply to any land development or land use conversion activity disturbing 10,000 square feet or more of land.

Economic hardship is not sufficient reason to grant an exception from the requirements of this ordinance.

The following activities are exempt from these stormwater performance criteria:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Virginia Stormwater Management Act;
2. Tilling, planting or harvesting of agricultural, horticultural, or forest crops;
3. Single-family residences separately built and not part of a subdivision, including additions or modifications to existing single-family detached residential structures;
4. Land development projects that disturb less than 10,000 square feet of land area; and

5. Linear development projects, provided that (i) less than 10,000 square feet of land will be disturbed per outfall or watershed, (ii) there will be insignificant increases in peak flow rates, and (iii) there are no existing or anticipated flooding or erosion problems downstream of the discharge point.

6. Family transfers, administrative and large lot subdivisions.

7. Residential subdivisions in which all lots are greater than 5 acres or residential subdivisions with a total of 3 or fewer lots.

1.4. Compatibility with Other Permit and Ordinance Requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

1.5. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

1.6. Reference Documents

The latest edition of the following documents shall be utilized for the purposes of establishing design guidelines, which are not specifically detailed in this document but are included by this reference;

1. “Virginia Stormwater Management Handbook”, prepared by Virginia Department of Conservation and Recreation, Chapters 3-6.
2. “Northern Virginia BMP Handbook: A Guide to Planning BMP’s in Northern Virginia”, prepared by the Northern Virginia Planning District Commission and the Engineers and Surveyors’ Institute.
3. “Virginia Erosion and Sediment Control Handbook”, prepared by the Virginia Department of Conservation and Recreation.

Other design criteria may be accepted solely at the discretion of the program administrator. Sufficient support material to document the methodology will be required.

1.7. Program Administration

The Board of Supervisors designates the County Administrator or his designee as the program administrator.

Section 2. Definitions:

"Accelerated Erosion" means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

"Act" means Article 1.1 (§ 10.1-603.1 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

"Adequate Channel" means a channel with a defined bed and banks, or an otherwise limited flow area that will convey the designated frequency storm event without overtopping the channel banks nor causing erosive damage to the channel bed or banks.

"Applicant" means any person submitting a stormwater management plan for approval.

"Aquatic Bench" means a 10- to 15- foot wide bench around the perimeter of a permanent pool that ranges in depth from zero to 12 inches. Vegetated with emergent plants, the bench augments pollutant removal, provides habitats, conceals trash and water level fluctuations, and enhances safety.

"Best Management Practice (BMP)" means a structural or nonstructural practice which is designed to minimize the impacts of development on surface and groundwater systems.

"Bioretention Basin" means a water quality BMP engineered to filter the water quality volume through an engineered planting bed, consisting of a vegetated surface layer (vegetation, mulch, ground cover), planting soil, and sand bed, and into the in-situ material.

"Bioretention Filter" means a bioretention basin with the addition of a sand filter collection pipe system beneath the planting bed.

"Board" means the Fauquier County Board of Supervisors.

"Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"Constructed Wetlands" means areas intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from stormwater.

"Dedication" means the deliberate appropriation of property by its owner for general public use.

"Department" means the Virginia Department of Conservation and Recreation.

"Detention" means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

"Detention Facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

"Developer" means a person who undertakes land disturbance activities.

"Development" means *land development* or *land development project*.

"Drainage Easement" means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

"Erosion and Sediment Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, causing or threatening damage.

"Grassed Swale" means an earthen conveyance system which is broad and shallow with erosion resistant grasses and check dams, engineered to remove pollutants from stormwater runoff by filtration through grass and infiltration into the soil.

"Hydrologic Soil Group (HSG)" means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

"Impervious Cover" means a surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

"Industrial Stormwater Permit" means a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

"Infiltration" means the process of percolating stormwater into the subsoil.

"Infiltration Facility" means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

"Jurisdictional Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

"Land Conversion Activities" any activity that results in a modification to the current or natural condition.

"Land Development" or **"Land Development Project"** means a manmade change to the land surface that potentially changes its runoff characteristics.

"Land Disturbance Activity" means any activity which changes the volume, velocity, or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

"Landowner" means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

"Linear Development Project" means a land development project that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; and (iii) highway construction projects.

"Local Stormwater Management Program" or "Local Program" means a statement of the various methods adopted pursuant to the Act and implemented by a locality to manage the runoff from land development projects and shall include an ordinance with provisions to require the control of after-development stormwater runoff rate of flow, water quality, the proper maintenance of stormwater management facilities, and minimum administrative procedures consistent with this chapter.

"Locality" means Fauquier County

"Maintenance Agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

"Nonpoint Source (NPS) Pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

"Nonpoint Source Pollutant Runoff Load" or "Pollutant Discharge" means the average amount of a particular pollutant measured in pounds per year, delivered in a diffuse manner by stormwater runoff

"Off-Site Facility" means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

"On-Site Facility" means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

"Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

"Percent Impervious" means the impervious area within the site divided by the area of the site multiplied by 100.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body or any other legal entity.

"Plan-approving Authority" means the Board of Supervisors or its designee, responsible for determining the adequacy of a submitted stormwater management plan.

"Planning Area" means a designated portion of the parcel on which the land development project is located. Planning areas shall be established by delineation on a master plan. Once established, planning areas shall be applied consistently for all future projects.

"Post-development" refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

"Pre-development" refers to the conditions that exist at the time that plans for the land development of a tract of land are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time *prior to* the first item being approved or permitted shall establish pre-development conditions.

"Program Administrator" means the County Administrator or his designee.

"Program Authority" means the county which has adopted a stormwater management program.

"Recharge" means the replenishment of underground water reserves.

"Redevelopment" means the process of developing land that is or has been previously developed.

"Regional (watershed-wide) Stormwater Management Facility" or **"Regional Facility"** means a facility or series of facilities designed to control stormwater runoff from a specific watershed, although only portions of the watershed may experience development.

"Runoff" or **"stormwater runoff"** means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

"Site" means the parcel of land being developed, or a designated planning area in which the land development project is located.

"State Waters" means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

"Stop Work Order" means an order issued which requires that all land disturbing and construction activity on a site be stopped.

"Stormwater Detention Basin" or **"Detention Basin"** means a stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a detention facility impounds runoff only temporarily, it is normally dry during nonrainfall periods.

"Stormwater Extended Detention Basin" or **"Extended Detention Basin"** means a stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic structure over a period of time to a downstream conveyance system for the purpose of water quality enhancement or stream channel erosion control. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and, therefore, are not considered in the facility's design. Since an extended detention basin impounds runoff only temporarily, it is normally dry during nonrainfall periods.

"Stormwater Management Facility" means a device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

"Stormwater Management" means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, and/or peak flow discharge rates and control discharge volumes.

"Stormwater Management Plan" or **"Plan"** means a document containing material for describing how existing runoff and quality characteristics will be affected by a land development project and methods for complying with the requirements of the local program. Best Management Practices are part of the Stormwater Management Plan.

"Stormwater Retention Basin" see Wet Pond

.

"Stormwater Runoff" means flow on the surface of the ground, resulting from precipitation.

"Vegetated Filter Strip" means a densely vegetated section of land engineered to accept runoff as overland sheet flow from upstream development. It shall adopt any vegetated form, from grassy meadow to small forest. The vegetative cover facilitates pollutant removal through filtration, sediment deposition, infiltration and absorption, and is dedicated for that purpose.

"Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

"Watershed" means a defined land area drained by a river, stream, drainage ways or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows through a single outlet.

"Wet Pond or Retention Basin" also known as a retention basin, is a man-made basin which contains a permanent pool of water much like a lake or natural pond. The wet pond is designed to hold a permanent pool above which storm runoff is stored and released at a controlled rate. The release is regulated by an outlet device designed to discharge flows at various rates similar to the methods employed in an extended detention pond.

Section 3. Stormwater Management Program Permit Procedures and Requirements

3.1. Permit Required.

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless otherwise excepted by this ordinance, an approved SWM plan must be submitted and accompanied by the following in order for a land disturbing permit application to be considered:

1. Stormwater management and BMP plan in accordance with Section 3.2;
2. Maintenance agreement in accordance with Section 3.3;
3. Performance bond estimate in accordance with Section 3.4; and
4. Permit application and Plan review fee in accordance with Section 3.5.

Plan Inactivity

Should a land-disturbing activity associated with an approved SWM plan in accordance with this section not begin within the 180-days following approval and plat recordation or cease for more than 180 days, the county may evaluate the existing approved erosion and sediment control plan and stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the authority finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the resumption of land-disturbing activities, and a new performance bond shall be posted.

Any facility specifically designed to be regional in nature shall not be subject to the above criteria providing no modifications or changes to land use designations can be demonstrated.

3.2. Stormwater Management Plan Required.

No application for land development, land use conversion, or land disturbance will be approved unless it includes a stormwater management plan, including Best Management Practices, as required by this ordinance, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed.

A stormwater management plan shall consist of a *concept plan* to ensure adequate planning for the management of stormwater runoff and quality control, and a *final plan*. Both plans shall be in accordance with the criteria established in this section.

No building, grading, or erosion and sediment control permit shall be issued until a satisfactory final stormwater management plan or a waiver thereof, shall have undergone a review and been approved by the program administrator after determining that the plan or waiver is consistent with the requirements of this Ordinance.

1. Stormwater Management/BMP Concept Plan

A stormwater management concept plan or proof of prior approval of a concept plan shall be required with all preliminary plan and rezoning applications, and will include all information from the submittal checklist to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated by the project site. A concept plan will not be required if a preliminary plan or rezoning is not required.

The concept plan should be prepared at the time of the preliminary plan or other early step in the development process to identify the type of stormwater management measures necessary for the proposed project. The intent of this conceptual planning process is to ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

A. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities and structural stormwater management. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the general limits of clearing and grading; A written description of the site plan and justification of proposed changes in natural conditions may also be required.

B. Engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with the text and specifications of this ordinance.

C. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

2. Stormwater Management/BMP Final Plan

Following review of the stormwater management concept plan, and modifications to that plan as deemed necessary by the County, a final stormwater management plan must be submitted for approval.

All stormwater management plans shall be appropriately sealed and signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia and attendant regulations certifying that the plan meets all submittal requirements outlined in this ordinance and is consistent with good engineering practice.

All stormwater management plans shall have BMP's.

The final stormwater management plan, in addition to the information from the concept plan, shall include all of the information required in the Final Stormwater Management/BMP Plan checklist. This includes:

A. Contact Information

The name, address, and telephone number of all persons having a legal interest in the property and the parcel identification number of the property or properties affected.

B. County Soils Survey and Topographic Base Map

An appropriate scale of the current County Soils Survey and topographic base map of the site which extends include the top of the drainage shed and a minimum of 200 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown. Soils information from the "Interpretive Guide to the Soils of Fauquier County" shall be placed on the base map for each mapping unit. The source of topographic and soil map shall be stated. A drainage divide map shall be provided that identifies all offsite and onsite drainage patterns to the top of each drainage shed.

C. Calculations

Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this ordinance shall be submitted. Such calculations shall include (i) description of the design storm frequency, intensity and duration, (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area, (v) infiltration rates, where applicable, (vi) culvert sizing, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the specified design storms, and (ix) documentation of sources for all computation methods and field test results. (See Section 4.)

D. Soils Information

Geotechnical properties for the hydrologic and structural properties of soils, for all dam embankments exceeding 15 feet in height or 15 acre feet in impoundment capacity, shall be described in a geotechnical report and submitted to the County for review. The report shall include boring depth, sampling frequency and types and associated laboratory testing with results and conclusions and follow the criteria in the Virginia Stormwater Management Manual.

Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in the Virginia Stormwater Management Manual. Information shall include depth to rock, type of rock, depth to water table and permeability (in/hr) 3 feet below trench bottom. Information shall be provided by someone qualified to perform work.

E. Maintenance Plan

The design and planning of all stormwater management facilities shall include detailed maintenance procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary.

F. Landscaping Plan

The applicant must present a detailed landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice. The landscaping plan must also describe who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

G. Maintenance Easements

The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property. See Section 3.3

All stormwater management facilities must be located within a drainage easement (i.e., 10 feet from the toe of slope and/or periphery) and shall be maintained by the landowner, an Owners or Homeowners Association, or other legal entity approved by the Board of Supervisors. Maintenance responsibilities shall be established in the required Deed of Dedication, in a form acceptable to the County Attorney.

In subdivisions, all SWM/BMP facilities shall be placed in a common area unless prior approval has been obtained from the program administrator.

H. Maintenance Agreement

The applicant must execute an easement and a Stormwater/BMP Maintenance Agreement binding on all subsequent owners of land served by an on-site stormwater management/BMP measure in accordance with the specifications of this ordinance. See Section 3.4.

I. Erosion and Sediment Control Plans for Construction of Stormwater Management Measures

The applicant must prepare an erosion and sediment control plan in accordance with the Virginia Erosion and Sediment Control Minimum Standards (4VAC50-30-40) and the requirements of the County's Soil Erosion and Sediment Control Ordinance for all construction activities related to implementing any on-site stormwater management practices. The Erosion and Sediment Control Plan shall be submitted concurrently with the stormwater management plan.

J. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater/BMP plan. This may include, but not be limited to, Department of Environmental Quality (DEQ), Corps of Engineers (COE), Virginia Marine Resources Commission (VMRC) and Department of Conservation and Recreation (DCR).

K. Floodplain Study

Any construction associated with a stormwater management/BMP facility proposed within a 100-year FEMA defined floodplain, will require the submission of a Floodplain Study documenting pre-development and post-development conditions for review by the County. Modifications to the floodplain will require final FEMA determination at the owners expense.

L. Redevelopment

All redevelopment projects not served by an existing water quality BMP shall either reduce existing site impervious areas by 20% or implement water quality BMP's to reduce pre-redevelopment pollution loads of the existing site by 10%.

M. Embankments and Water Impoundments

Embankments and water impoundments shall be in accordance with 3.01 through 3.08 of the Virginia Stormwater Management Control Handbook.

3.3. Stormwater Facility Maintenance Agreements

Prior to the issuance of any permit that has a stormwater management facility, as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance agreement that shall be binding on all subsequent owners of land served by the subsequent owners of land served by the stormwater management facility.

1. Maintenance activities shall not alter the design function of the facility from its original design unless approved by the County prior to the commencement of the proposed maintenance activity.

2. Maintenance Agreement

Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance agreement that must be approved by the County and recorded into the land record prior to final plat approval. The agreement shall identify by name or official title the person(s) responsible for carrying out the maintenance. Responsibility for the operation and maintenance of stormwater management facilities shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the responsibility to successors in title.

The agreement shall provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the County shall have the authority to perform the work and to recover the costs from the owner.

3.4 Performance Bonds

The County shall require the submittal of a performance security or bond with surety, cash escrow, letter of credit or such other acceptable legal arrangement prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.

1. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management/BMP practices approved under the permit, plus 25%.
2. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the applicant in accordance with the approved stormwater management plan.
3. If the County takes such action upon such failure by the applicant, the County may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
4. The landscaping portion of the bond for stormwater management/BMP plan shall be held for one year after installation in accordance with the final plans and specifications prior to final release.
5. These requirements are in addition to all other provisions of the County ordinances relating to the issuance of such plans and are not intended to otherwise affect the requirements for such plans.
6. The County reserves the right to re-evaluate the bond associated with any project for which an extension is requested to ensure that the bond adequately reflects current market conditions.

3.5. SWM/BMP Review Fees

Applicants shall submit a review fee to Fauquier County as outlined in the Department of Community Development fee schedule in effect at the time of acceptance of the application.

3.6. SWM/BMP Final Plan Submittal Review Application

1. Applications shall include the following: one copy of the approved SWM/BMP concept plan, two copies of the stormwater management/BMP final plan, two copies of the maintenance agreement, the SWM/BMP checklist, and any required review fees.
2. Within 60 calendar days of the receipt of a complete application, including all documents as required by this ordinance, the County shall inform the applicant whether the application and plan are approved or disapproved.
3. If the stormwater management plan is disapproved, the County shall communicate the decision to the applicant in writing. The applicant may then revise the stormwater management plan. If additional information is submitted, the County shall have 45 calendar days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
4. If the final stormwater management plan and maintenance agreement are approved by the County, the following conditions apply:
 - A. The applicant shall comply with all applicable requirements of the approved plan and this ordinance and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan.
 - B. The land development project shall be conducted only within the area specified in the approved plan.
 - C. The County shall be allowed to conduct periodic inspections of the project.
 - D. The person responsible for implementing the approved plan shall conduct monitoring to ensure compliance with the approved plan.
 - E. No changes may be made to an approved plan without review and written approval by the County.
 - F. The owner is responsible for maintaining certified construction logs, including performance as-built surveys, and geotechnical inspections during subsurface or embankment construction and compaction activities as outlined in the Virginia Stormwater Management Handbook. The County may request this information for review.

Section 4. General Criteria for Stormwater Management

The following technical criteria shall be applied on all applicable land development and land conversion activities.

4.1 General

1. Determination of flooding and channel erosion impacts to receiving streams due to land development projects shall be measured at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed which also contributes to that point of discharge.

2. The specified design storms shall be defined as either a 24-hour storm using the rainfall distribution recommended by the U.S. Soil Conservation Service when using U.S. Soil Conservation Service methods or as the storm of critical duration that produces the greatest required storage volume at the site when using a design method such as the Modified Rational Method. Pre-development and post-development runoff rates for the 2, 10 and 100 year storms shall be verified by calculations that are consistent with sound engineering practices.

SCS Hydrology. SCS Hydrology consists of Technical Release Number 20 (TR-20) and Technical Release Number 55 (TR-55) including the COE HEC-1 software, SCS applications. This hydrology is preferred and acceptable for all applications.

Other Hydrologic Methods. It is recognized that there are many hydrologic methods available, especially in the form of computer software. Other hydrologic methods may be approved by the program administrator for specific applications provided it is demonstrated that the alternatives are appropriate for the purpose intended.

3. All development occurring within the County shall provide stormwater management facilities and Best Management Practices adequate to reduce increased runoff rates and nonpoint source pollution, as outlined herein. The design shall include control of stream flow rates, water surface levels, and runoff rates. This does not preclude demonstration of compliance with Minimum Standard 19 and TB-1 as a method of quantity control.

to 4. For purposes of computing runoff, all pervious lands in the site shall be assumed prior development to be in good condition (if the lands are pastures, lawns, or parks), with good cover (if the lands are woods), or with conservation treatment (if the lands are cultivated); regardless of conditions existing at the time of computation.

5. Construction of stormwater management facilities or modifications to channels shall comply with all applicable laws and regulations. Evidence of approval of all necessary permits, such as US Army Corps of Engineers, VA DEQ Wetland Permits, VA DEQ and VPDES Permits, etc. shall be presented.

6. Impounding structures that are not covered by the Impounding Structure Regulations (4 VAC 50-20-10 et seq.) shall be engineered for structural integrity during the 100-year storm event.

7. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices. SWM facilities shall be designed to regulate the 2 and 10 year storm such that the post-developed peak flows do not exceed pre-development peak flow and safely pass the 100 year storm event.

8. Outflows from a stormwater management facility shall be discharged to an adequate channel, so as to provide a nonerosive velocity of flow from the basin to the channel.

9. Proposed residential, commercial, or industrial subdivisions shall apply these stormwater management criteria to the land development process as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate basin planned land uses and shall be applied in all engineering calculations.

10. All stormwater management facilities shall have a maintenance plan which identifies the owner and the responsible party for carrying out the maintenance plan.

11. Construction of stormwater management impoundment structures within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the maximum extent possible. When this is unavoidable, all stormwater management facility construction shall be in compliance with all applicable regulations under the National Flood Insurance Program, 44 CFR Part 59 and shall be engineered for structural integrity during the 100 year storm event by the primary flooding source or secondary source, whichever yields the most conservative design.

12. Natural channel characteristics and drainage divides shall be preserved to the maximum extent practicable. SWM quality and quantity shall be addressed within each drainage area.

13. Land development projects shall comply with the Virginia Erosion and Sediment Control Law and attendant regulations and the County Soil Erosion and Sediment Control Ordinance.

14. SWM and BMP facilities shall not be located in required buffer areas unless authorized by the Zoning Administrator.

15. All SWM/BMP ponds must be constructed prior to 70% completion (based on performance bond) of the approved project. When ponds are used as temporary sediment controls, the facility must be converted once 90% permanent stabilization has been established as defined in Chapter 11 of the County Code.

16. Conveyance Issues

All stormwater management conveyance practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- A. Maximizing of flow paths from inflow points to outflow points
- B. Protection of inlet and outfall structures
- C. Elimination of erosive flow velocities

The Virginia Stormwater Management Manual and Virginia Erosion and Sediment Control Handbook provides detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.

Stormwater drainage easements shall be extended where necessary to upstream property lines to permit future development reasonable access to on-site drainageways or drainage systems for connection.

Residential lots in which lot size is less than thirty thousand (30,000) square feet shall be graded in such a manner that surface runoff does not cross more than three (3) lots before it is collected in a storm sewer system or designed stormwater conveyance channel. All surface drainage must be contained in an adequate easement once it is discharged from the third residential lot. Any concentrated stormwater must be contained in an adequate easement.

Hydrologic and hydraulic design calculations to demonstrate 10 year overland relief, with the storm sewer system plugged, shall be provided. Calculations for overlot drainage practices, shall be provided, where appropriate.

17. Pretreatment Requirements

Every stormwater treatment practice shall consider acceptable forms of water quality pretreatment. The applicability of pretreatment will be at the discretion of the review agent.

18. Landscaping Plans Required

All stormwater management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

19. Safety

All wet facilities shall have an aquatic bench at least 10' wide with slopes not to exceed 1:10 (V:H) slope or 1' water depth.

No facility shall have slopes and/or embankments steeper than 3:1 (H:V) without prior approval of the program administrator.

20. Maintenance Agreements

A legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities.

21. No more than 1 penetration shall be allowed through a dam structure without prior approval of the program administrator.

22. Stormwater management facilities may be either above grade or below grade design, however, underground facilities shall only be permitted within non-residential areas.

23. No stormwater conveyance pipe shall be less than 15" in diameter.

24. Principle outlet control structures shall be RCP unless prior approval is obtained by the approval authority.

25. Storm sewer design calculations shall be performed in accordance with the practices presented in the current edition of the VDOT drainage manual.

4.2 Water Quality

General Policy for BMP and Stormwater Quality:

A. All development or redevelopment occurring within the County shall incorporate water quality measures (Best Management Practices).

B. The current edition of the “Northern Virginia BMP Handbook”, prepared by the Northern Virginia Planning District Commission (NVPDC), shall be used in the design and review of BMP facilities. Other design criteria may be used solely at the discretion of the program administrator. Sufficient support material to document the methodology will be required.

C. Pollution loads shall be determined by calculation methods set forth in the “Northern Virginia BMP Handbook”. Where required, BMP facilities shall be designed to reduce projected phosphorus runoff resulting from site development by at least forty percent (40%). Phosphorus removal efficiencies for the different types of BMP systems are established in the “Northern Virginia BMP Handbook” and the Virginia SWM Handbook. Where a method or facility without an efficiency rating is proposed, the designer shall be required to adequately substantiate the ratings before the design is approved

D. If a site is less than 20,000 square feet of disturbed area and no structural stormwater management is required, the phosphorus removal requirement shall be 15%.

E. All stormwater runoff generated from new development shall not be discharged into a jurisdictional wetland or local water body without adequate treatment.

F. A minimum separation of 50’ shall be provided between drainfields and SWM/BMP facilities, except wet ponds. A minimum separation of 100’ shall be provided between drainfields and wet ponds.

4.3 Stream Channel Erosion

To protect stream channels from degradation, a specific channel protection shall be provided as prescribed in the Virginia Stormwater Management Handbook and the Virginia Erosion and Sediment Control Regulations.

1. Properties and receiving waterways downstream of any land development project shall be protected from erosion and damage due to increases in volume, velocity and frequency of peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this section.

2. The plan approving authority shall require compliance with Minimum Standard 19 of 4 VAC 50-30- 40 of the Erosion and Sediment Control Regulations, promulgated pursuant to Article 4 (§ 10.1-560 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

3. The plan approving authority may determine that some watersheds or receiving stream systems require enhanced criteria in order to address the increased frequency of bankfull flow conditions brought on by land development projects. Therefore, in lieu of the reduction of the 2 and ten year post-developed peak rate of runoff as required in subsection 2 of this section, the land development project being considered shall provide 24-hour extended detention of the runoff generated by the 1-year, 24-hour duration storm at the discretion of the plan approving authority.

4.4 Flooding

Calculations for determining flooding shall be submitted.

1. Downstream properties and waterways shall be protected from damages from localized flooding due to increases in volume, velocity and peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this section.
2. The 2 and 10-year post-developed peak rate of runoff from the development site shall not exceed the 2 and 10-year pre-developed peak rate of runoff.
3. No combined primary and emergency spillway will be allowed without prior approval by the program administrator.
4. In areas of streambeds subject to inundation with 100 acres or more of watershed, 100-year flood water surface elevations shall be computed. Drainage easements must be stabilized on site to preserve the inundation zone. Calculations shall be based on land use as outlined in the Comprehensive Plan.
5. All requirements as set forth in MS-19 and TB-1 must be met.
6. Linear development projects shall not be required to control post-developed stormwater runoff for flooding, if there is no net increase in impervious area, except in accordance with a watershed or regional stormwater management plan.

4.5 Insect Management

The design of all Stormwater Management and Best Management Practice Systems should incorporate measures to reduce the probability of mosquito breeding. These measures should be consistent with the most current guidelines and/or policies of all applicable governing agencies including, but not limited to, the Virginia Department of Conservation and Recreation (DCR), the Northern Virginia Planning District Commission, local and state Health Departments and the Department of Environmental Quality (DEQ).

Section 5. Construction Inspection

All stormwater management construction inspections shall utilize the final approved plans and specifications for compliance. In addition, the inspection shall comply with the latest version of the Erosion and Sediment Control Regulations, promulgated pursuant to Article 4 (§ 10.1-566) of Chapter 5 of Title 10.1 of the Code of Virginia.

If the County determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan in accordance with Section 7 of this Ordinance.

5.1. Post-Construction Final Inspection and As-Built Plans

1. If embankment height exceeds 15 feet or the impoundment capacity exceeds 15 acre feet, the applicant will be required to submit evidence of geotechnical inspections conducted during embankment construction.
2. All applicants are required to submit “as built” plans and analysis for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and routing through the as-built condition, and must be certified by a professional engineer. A final inspection by the County is required before the release of any performance securities can occur. As-built analysis must meet or exceed the approved performance of each facility.

Section 6. Maintenance Inspection and Repair of Stormwater Facilities

6.1. Maintenance Inspection of Stormwater Facilities

To ensure proper performance of the stormwater facility, the property owner or owner’s association is responsible for inspecting the stormwater management facility in accordance with the approved maintenance plan and the stormwater management design manual. The responsible party shall keep written records of inspections and make them available to the County upon request.

In the event that the stormwater management facility has not been maintained, or has been damaged, and/or becomes a danger to public safety or public health, the County shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the address of the owner of record. The owner shall be required to provide an inspection of the facility, by a person qualified to perform such inspection. If the responsible party fails or refuses to correct deficiencies, to meet the requirements of the maintenance agreement, the County after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the owner.

Section 7. Enforcement and Penalties.

7.1. Notice of Violation

When the Program Administrator determines that an activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation delivered by registered or certified mail to the applicant of record for the activity. Each calendar day of an activity conducted in violation of the ordinance shall constitute a separate violation, but may be covered by one Notice of Violation. The notice of violation shall contain:

1. The name and address of the property owner;
2. The address when available or a description of the building, structure or land upon which the violation is occurring;

3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the development activity into compliance with this Ordinance and a time schedule for the completion of such remedial action;
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within thirty (30) days of service of notice of violation.

7.2. Stop Work Orders

Persons receiving a notice of violation will be required to halt all construction activities. This “stop work order” will be in effect until the County confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by this Ordinance - Section 7.3.

7.3. Civil and Criminal Penalties

Any person who violates any provision of a local ordinance or program adopted pursuant to the authority of this article shall be guilty of a Class 1 misdemeanor and shall be subject to a fine not exceeding \$1,000 or up to thirty days imprisonment for each violation or both. Each calendar day during which the activity occurs, or day during which required conditions are not met or standards are violated shall constitute a separate violation. In addition the County may pursue the following actions:

1. The County may apply to the circuit court to enjoin a violation or a threatened violation of the provisions of this ordinance without the necessity of showing that an adequate remedy at law does not exist.
2. Without limiting the remedies which may be obtained in this section, the County may bring a civil action against any person for violation of this ordinance or any condition of a permit. The action may seek the imposition of a civil penalty not more than \$2,000 against the person for each violation.
3. With the consent of any person who has violated or failed, neglected or refused to obey this ordinance or any condition of a permit, the County may provide, in an order issued by the County against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subdivision 2 of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subdivision 2. Such a local ordinance may also include the following sanctions:

7.4. Holds on Occupancy Permits

Occupancy permits shall not be granted until corrections to all stormwater practices have been made in accordance with the approved plans, Notice of Violation, Stop Work Order, or Permit requirements, and accepted by the County.

SUBDIVISION ORDINANCE TEXT AMENDMENT – SECTION 4-16, BONDING REQUIREMENTS; SECTION 7-10, GRADES; SECTION 8-2, DITCH CROSS SECTION; SECTION 9-5, PRELIMINARY PLAN REQUIREMENTS; AND SECTION 10-5, ADDITIONAL SUBMISSION REQUIREMENTS

A public hearing was held at the August 19, 2002 meeting to consider amending the Zoning Ordinance, Section 4-16, Bonding Requirements; Section 7-10, Grades; Section 8-2, Ditch Cross Section; Section 9-5, Preliminary Plan Requirements; and Section 10-5, Additional Submission Requirements. Mr. Winkelmann moved to adopt the following ordinance. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

ORDINANCE

AN ORDINANCE AMENDING SECTIONS 4-16, 7-10, 8-2, 9-5, AND 10-5 OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE RELATING TO THE STORMWATER MANAGEMENT ORDINANCE

WHEREAS, the Fauquier County Subdivision Ordinance Section 4-16 Bonding Requirements; Section 7-10 Grades; Section 8-2 Ditch Cross Section; Section 9-5 Preliminary Plan Requirements; and Section 10-5 Additional Subdivision Requirements, provide for the design criteria, review, and bonding requirements for stormwater management in subdivision applications; and

WHEREAS, the Board of Supervisors is concerned that applicants appropriately manage stormwater generated by a proposed subdivision, and that off-site impacts of stormwater generated by new development be minimized; and

WHEREAS, on June 25, 2002, the Fauquier County Planning Commission held a public hearing on the proposed Subdivision Ordinance text amendments and voted to recommend that the Subdivision Ordinance be amended; and

WHEREAS, on August 19, 2002, the Board of Supervisors held a public hearing to receive citizen comments on the proposed Subdivision Ordinance text amendment; and

WHEREAS, the Board of Supervisors wishes to consider amendments to these sections; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of September 2002, That Sections 4-16, 7-10, 8-2, 9-5, and 10-5 of the Fauquier County Subdivision Ordinance be, and are hereby, amended to read as follows:

SECTION 4 - PLAT PREPARATION PROCEDURES, GENERAL

4-16 Bonding Requirements

Prior to acceptance of ~~dedicated~~ a dedication for public use and/or maintenance of facilities, of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvements dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency, and for the provision of other site-related improvements required by this Ordinance or other ordinances for vehicular ingress and egress, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities pursuant to the Fauquier County Stormwater Management Ordinance, financed or to be financed in whole or in part by private funds; ~~if~~ the owner or developer shall:

- (1) certify to the agent for the governing body that the construction is complete and the costs have been paid to the person constructing such facilities; or
- (2) furnish to the agent for the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body, in the amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractors bond, with like surety, in like amount and so conditioned; or
- (3) furnish to the agent for the governing body as to the bank or savings and loan association, the amount and the form.

The amount of such certified check, cash escrow, bond or letter of credit shall include the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.

SECTION 7 - MINIMUM STREET IMPROVEMENTS REQUIRED

7-10 Grades

The grades of streets submitted on subdivision plats shall be approved by the Virginia Highway Department Engineer prior to final action by the agent for the Fauquier County Board of Supervisors and shall be in accordance with the road designs and standards of the County of Fauquier. ~~Where the grade of any street exceeds 5% and on grades of less than 5% where soil conditions and the general topography make such necessary as determined by the governing body or its agent in conjunction with the engineer for the Virginia Department of Transportation, paved roadside ditches of a design satisfactory to meet the standards set forth in this Ordinance and the Virginia Department of Transportation standards shall be required.~~

SECTION 8 - SPECIAL AREA REQUIREMENTS FOR USE OF STREET STANDARDS

8-2 Ditch Cross Section

All public streets, access ways, or service drives in subdivisions having lots containing from 20,000 square feet to 5 acres shall be graded and paved in accordance with the typical section that is currently provided in the Fauquier County construction specifications and standards for the various classifications of streets as designated. The standards are shown as Type 1-B, 2-B, 3-B, 4-A and 4-B. Where curb and gutter is used in lieu of roadside ditches, roadways shall be constructed to standard typical sections for curb and gutter streets. ~~Where any street grade exceeds 5% and on grades of less than 5% where soil conditions and the general topography makes such necessary as determined by the governing body or its agent on recommendation of the Virginia Department of Transportation Resident Engineer for Fauquier County, paved roadside ditches shall be installed and extended to the nearest roadway culverts or outfall ditch in accordance with the current County construction specifications and standards.~~

SECTION 9 - PRELIMINARY PLATS

9-5 Preliminary Plan Requirements

- 16) Preliminary plans indicating the provision/layout for all utilities, including but not limited to, water supply, sewage disposal, BMP's, and stormwater management facilities as outlined in the Fauquier County Stormwater Management Ordinance.
- 28) Location of any existing or proposed bridges. Location of any proposed major culverts, SWM and BMP facilities as outlined in the Fauquier County Stormwater Management Ordinance.

SECTION 10 - FINAL PLATS

10-5 Additional Submission Requirements

- B) Final Construction Plans for subdivisions, resubdivisions or revisions, including the following minimum information as part of the final plans:
 - 9) Storm drainage system plans including stormwater management as outlined in the Fauquier County Stormwater Management Ordinance. Plans should be sufficient to build structure and outfall. Drainage divides and summary should be shown on the plans.
- C) Calculations for drainage, stormwater management, BMP's, waterline flows, sewerage flows, or other areas where necessary for agency review of engineering methods, sealed and signed by a Virginia Licensed Professional Engineer or surveyor (with a 3-B license). These calculations may be included on pages of the construction plans. Stormwater Management plans shall be prepared in accordance with the Fauquier County Stormwater Management Ordinance.

SPECIAL EXCEPTION – JAMES R. AND BETTY L. MILLS, OWNERS, AND COMMUNITY WIRELESS STRUCTURES, APPLICANT

A public hearing was held at the August 19, 2002 meeting to consider a request for special exception approval for James R. and Betty L. Mills, Owners, and Community Wireless Structures, Applicant, to allow the construction of a 150-foot telecommunications structure with antenna and equipment. The property contains 47.41 acres and is located at 11435 Lucky Hill Road (Route 655) just east of the intersection of Route 28 and Route 15/29 between the Remington and Bealeton Service Districts, PIN 6888-38-9459-000, Lee District. Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 1 as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks; Mr. Joe Winkelmann*
Nays: *Mr. Harry Atherton*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-L-30
JAMES R. AND BETTY L. MILLS, PROPERTY OWNERS
COMMUNITY WIRELESS STRUCTURES, APPLICANT
PARCEL IDENTIFICATION NUMBER 6888-38-9459-000**

WHEREAS, James R. and Betty L. Mills, owners, and Community Wireless Structures, applicant, have applied for a special exception under Section 5-2000 (Public Utilities) and Section 11-102 of the Zoning Ordinance to allow for a telecommunications tower; and

WHEREAS, the special exception application has been properly filed and all required notices of the public hearing have been properly made; and

WHEREAS, the applicant has presented oral and documentary evidence; and

WHEREAS, on June 27, 2002, the Fauquier County Planning Commission held a public hearing to consider the special exception request of Community Wireless Structures and has forwarded a recommendation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the Board of Supervisors does hereby find that the application by Community Wireless Structures to locate a telecommunications facility on the property identified as PIN 6888-38-9459-000 is in substantial conformance with the Fauquier County Comprehensive Plan; and, be it

RESOLVED FURTHER, That the special exception request of Community Wireless Structures to locate a telecommunications facility on the property of James R. and Betty L. Mills further identified as PIN 6888-38-9459-000 is hereby approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on special exception plat approved with the application, as qualified by these development conditions.
3. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any plan submitted pursuant to this special exception shall be in conformance with the Community Wireless Structures special exception exhibit prepared by Marvin Hinchey, P.E. dated May 6, 2002, and these conditions.
4. The use shall comply with Federal Aviation Administration (FAA) and Federal Communications Commission requirements at all times.
5. This approval is for a lattice tower with a tower height not to exceed 120 feet.
6. The tower shall be lighted only to meet FAA requirements with no additional lighting permitted.
7. The tower shall be painted with a graduated painting design for a maximum camouflage effect with a dark green base fading to white at the top so as to minimize visual impact as permitted by FAA regulations.
8. Prior to the issuance of the Zoning permit, one (1) telecommunications provider shall have an executed lease with the applicant. The owner/applicant shall provide co-location opportunities to other carriers so long as it is technologically possible. The applicant shall provide written documentation to the Fauquier County Zoning Administrator in the event that any future co-location cannot be accomplished.
9. The applicant shall design the lattice structure and foundation to support a 25% increase in height for future County use only. In the event that County public service agencies have a need for radio service in this vicinity, the tower owner shall extend the height of the tower for County use and provide necessary space in the equipment shed, upon request of the Board of Supervisors. Such extension shall be at no cost to the locality. There shall be no rental or maintenance fees charged to the County for this use.
10. The owner of each antennae or tower shall submit a report to the Zoning Administrator once a year, no later than July 1, which states the current user status of the tower.
11. Any antenna or tower shall be disassembled and removed from the site within 90 days of the discontinuance of the use of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunication towers, fence footers, underground cables and other related equipment/structures. If there are two (2) or more users, then this provision shall not become effective until all users cease using the tower.
12. An ingress/egress easement for public emergency and maintenance vehicles shall be granted to the County and indicated on the Final Site Plan.
13. Any wireless communications system operator shall take all necessary steps to resolve any radio frequency interference between a wireless communications system on the tower and any present or future County public safety wireless communications system.

14. The limits of clearing and grading for the entire 47.41 acre parcel shall be indicated on the site plan. To the extent possible, existing mature tree stands shall remain. There shall be no disturbance beyond the indicated limits of clearing and grading.
15. In order to further protect mature tree stands on the property, any tree within 100 feet of the limits of clearing and grading and 60 feet or taller in height shall be marked. These trees shall be marked on the ground with a filter fabric fence or equivalent demarcation at the dripline prior to clearing and grading and at all times during construction. Signage affirming "restricted access" shall be provided on the temporary fence highly visible to construction personnel.
16. Prior to site plan approval, a structural analysis shall be completed by a qualified engineer in accordance with ANSI EIA/TIA-222-F.
17. Prior to site plan approval, the applicant shall obtain an official FAA air hazard determination.

A RESOLUTION AUTHORIZING IMPLEMENTATION OF A COUNTY ADMINISTRATION/COUNTY ATTORNEY SALARY MARKET STUDY

Mr. Winkelmann moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO EXPAND THE COUNTY ADMINISTRATOR'S AUTHORITY TO IMPLEMENT MARKET ADJUSTMENTS AND OTHER PAY ACTIONS

WHEREAS, it is the objective of the Board of Supervisors to compensate employees in an equitable and competitive manner; and

WHEREAS, Human Resources Policies #22, Pay Plan and Employee Compensation, and #23, Position Classification Plan, denote the fundamental authorities granted by the Board of Supervisors relative to administrative pay adjustments; and

WHEREAS, Fauquier County has a pay for performance system to compensate public employees at different levels based on annual performance reviews; and

WHEREAS, the Fauquier County position classification and compensation system and the pay for performance program still may not completely address market conditions and retain high performance employees; and

WHEREAS, the Board of Supervisors has deemed it necessary and appropriate to expand the authority of the County Administrator to implement market adjustments, exceed the limits of merit pay allocations, and effect various other pay actions for good and just cause; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the County Administrator be, and is hereby, granted the authority to implement market adjustments, exceed the limits of merit pay allocations, and effect various other pay actions; and, be it

RESOLVED FURTHER, That such administrative pay adjustments may be made only based upon good and just cause; and, be it

RESOLVED FINALLY, That administrative pay adjustment for any fiscal year must be within the constraints of the applicable adopted fiscal year budget.

PRELIMINARY SUBDIVISION PLAT REVISION APPLICATION – BROOKSIDE

Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO APPROVE PRELIMINARY PLAT REVISION #PPR02-S-03 – BROOKSIDE

WHEREAS, Brookside Communities, LLC, and Brookside Development, LLC, owners and applicants, have submitted a preliminary subdivision plat revision for the Brookside Subdivision; and

WHEREAS, the Fauquier County Planning Commission voted to approve Preliminary Plat Revision #PPR02-S-03 – Brookside; and

WHEREAS, the Fauquier County Board of Supervisors has considered the referenced preliminary subdivision plat revision at its meeting on September 16, 2002; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the Board does approve Preliminary Plat Revision #PPR02-S-03 – Brookside, subject to the previously approved conditions and the following condition:

This approval is for a maximum of 975 lots. These lots shall be located generally as shown on the revised Brookside Preliminary Plat prepared by The Engineering Groupe, Inc., dated June 6, 2002, and received in the Planning Office on June 11, 2002, as modified by the following conditions. However, the lot layout may be arranged to accommodate the removal or relocation of lots that are undesirable due to wetlands and wet soils.

A RESOLUTION TO WAIVE SUBDIVISION WATER SUPPLY REQUIREMENTS AT BOTHA VILLAGE

Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

**A RESOLUTION TO RATIFY A WAIVER OF SUBDIVISION
ORDINANCE SECTION 18-1(C)(1)(d)(2) TO ALLOW THE BOTHA
SUBDIVISION TO BE DEVELOPED WITH A WELL YIELD OF LESS THAN
ONE (1) GALLON PER MINUTE PER EACH DWELLING UNIT TO BE CONNECTED**

WHEREAS, on June 16, 2000, the Fauquier County Board of Supervisors affirmed the Planning Commission's approval of the Botha Preliminary Plat; and

WHEREAS, Subdivision Ordinance Section 18-1(C)(1)(d)(2) provides that outside of service districts, well yields must be capable of providing not less than one (1) gallon per minute per each dwelling unit to be constructed; and

WHEREAS, the well for the Botha Subdivision has a capacity of approximately 13 gallons per minute; and

WHEREAS, the well developed as the water source for the Botha Subdivision was existing at the time of the preliminary subdivision approval, a hydrogeological study had been completed, and the approval of the preliminary plat was a defacto waiver of Section 18-1(C)(1)(d)(2); and

WHEREAS, pursuant to the applicable provisions of the Subdivision Ordinance, the Board of Supervisors wishes to expressly ratify the previous defacto waiver of the standard at the time of its approval of the preliminary subdivision plat; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the previous defacto waiver of Subdivision Ordinance Section 18-1(C)(1)(d)(2) is hereby ratified with the determination that 13 gallons per minute is adequate for the Botha Subdivision and the previous approval of the preliminary plat is affirmed.

APPOINTMENT

By unanimous consent, Joe Winkelmann was reappointed to the Parks and Recreation Board representing Center District for a three year term to expire September, 2005.

SUPERVISORS TIME

- Mr. Atherton requested County staff to look at sites for potential affordable housing and that an overall County-wide hydrogeological study be made of the entire County.
- Mr. Weeks clarified that the County staff should be looking at properties already owned by the County for potential affordable housing.
- Mr. Winkelmann welcomed Broni Lambelet, School Board Member, to the meeting and congratulated the School Board and School Administration on the SOL scores.
- Ms. McCamy asked that County staff research the possibility of providing free County decals to residents of the County who are veterans.
- Ms. McCamy asked that County staff advertise Governor Warner's water restrictions so that residents would be aware of the policy.
- Ms. McCamy said that she had visited Rappahannock Electric Cooperative in Bowling Green where there is a sample fuel cell that is running a house. She suggested that others might be interested in seeing this as well.
- Mr. Graham said that he had attended 9/11 functions that were being held throughout the County on Wednesday, September 9 and that he felt they were very well presented and very emotional.
- Mr. Lee reminded the citizens in attendance that the Warren Green Building would be under renovation and that Board of Supervisors' meetings for October and November would be held at The Barn at the Fauquier Campus of Lord Fairfax Community College and in December at M.M. Pierce Elementary School.

CONSIDER A RESOLUTION AUTHORIZING ACCEPTANCE OF THE LOCAL LAW ENFORCEMENT BLOCK GRANT

A public hearing was held to consider a resolution authorizing the Sheriff's Office to accept FY 2002 Local Law Enforcement Block Grant funds in the amount of \$14,232. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: **Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton;
Mr. Larry L. Weeks; Mr. Joe Winkelmann**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

RESOLUTION

A RESOLUTION AUTHORIZING THE SHERIFF'S OFFICE TO ACCEPT FY 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS

WHEREAS, Fauquier County has been awarded FY 2002 Local Law Enforcement Block Grant funds in the amount of \$14,232; and

WHEREAS, a requirement of the grant is for the local recipient of the funds to provide a matching grant in the amount of \$1,581; and

WHEREAS, the Board of Supervisors held a public hearing on September 16, 2002, to receive citizens' comments regarding the use of the block grant funds; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the Sheriff's Office be, and is hereby, authorized to accept FY 2002 Local Law Enforcement Block Grant Funds on behalf of Fauquier County.

SPECIAL EXCEPTION – BROOKSIDE COMMUNITIES, LLC, OWNER, AND MARK E. CORNWELL, FAUQUIER COUNTY PUBLIC SCHOOLS, APPLICANT

A public hearing was held to consider a request for special exception approval for Brookside Communities, LLC, Owner, and Mark E. Cornwell, Fauquier County Public Schools, Applicant, to allow for construction of a middle school and associated facilities. The property is located on the west side of Riley Road (Route 676) approximately 2,000 feet north of the intersection of Riley Road and Dumfries Road (Route 605) in the New Baltimore Service District, PIN 7905-63-8907-000, Scott District. Mark Cornwell, representing Fauquier County Public Schools, and Merle Fallon, representing Brookside Communities, spoke in favor of the request. Chuck Medvitz, Scott District, spoke in favor of the request; however, he felt that a safe transportation plan needed to be in place by constructing Riley Road to coincide with opening of the school. Kitty Smith, Marshall District, said she thought the school was needed and if the Virginia Department of Transportation did not fund improvements to Riley Road, the Board would need to fund the costs. Anita Gray-Tortorelli, Scott District, asked that road improvements be made before the school opens. Mara Seaforest, Cedar Run District, said that she did not believe improvements to Riley Road were on VDOT's priority list and that the Board may have to raise taxes to fund the improvements before the school opens. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: **Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton;
Mr. Larry L. Weeks; Mr. Joe Winkelmann**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE03-S-02 FAUQUIER COUNTY PUBLIC SCHOOLS, APPLICANT MIDDLE SCHOOL

WHEREAS, Brookside Communities, LLC, owner, and Fauquier County Public Schools, applicant, have applied for a special exception under Section 5-500 (Educational Uses) to allow for the construction of a middle school and associated facilities; and

WHEREAS, the special exception application has been properly filed and all required notices of the public hearing have been properly made; and

WHEREAS, the applicant has presented oral and documentary evidence; and

WHEREAS, on August 29, 2002, the Fauquier County Planning Commission held a public hearing to consider the special exception request of the Fauquier County Public Schools and has forwarded a recommendation of approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 16th day of September 2002, That the Board of Supervisors does hereby find that the application by the Fauquier County Public Schools to locate a middle school on the property of Brookside Communities, LLC is in conformance with the Fauquier County Zoning Ordinance standard for minimum road frontage on a road designated in the Comprehensive Plan as a major collector; and, be it

RESOLVED FURTHER, That the special exception request of the Fauquier County Public Schools for a new middle school and associated facilities on the property of Brookside Communities, LLC and further identified as a portion of PIN 7905-63-8907-000 is approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s) and /or uses indicated on the special exception plat approved with this application, as qualified by these development conditions.
3. The applicant shall construct all road improvements required by the Virginia Department of Transportation.
4. The school site shall be served by a regional stormwater management facility.
5. The applicant shall effectively screen all off-site parking, loading areas and tennis courts. These areas shall not be located in any required yard.
6. The applicant shall provide emergency access to all athletic fields that are not directly accessible from parking areas. The access location and design shall be reviewed and approved by the County Engineer and the Emergency Services Coordinator prior to approval of the final site plan.
7. No structure shall be located within 100 feet of any adjoining property line, which is in a Residential or Rural Zoning District.

8. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
9. The applicant shall accommodate a shared entrance with the library site in close proximity to the common property boundary, if the library is to be located on an adjacent parcel.
10. A trail shall connect the school with the adjacent residential subdivisions. Final location is to be approved by the Parks and Recreation Department.
11. Pursuant to the Zoning Ordinance requirements, a minimum of 430 square feet of usable outdoor recreation space area shall be provided for each child that may use such space at any one time.
12. The applicant shall provide berming and landscaping along the sport fields to assist in noise abatement in consultation with the Department of Community Development.

ZONING ORDINANCE TEXT AMENDMENT – SECTION 3-302, RESIDENTIAL BUSINESS #6 – AUTO REPAIR GARAGE

A public hearing was held at the August 19, 2002 meeting to consider amending Section 5-205 of the Zoning Ordinance to increase the maximum number of permitted vehicles from four to six. The proposed amendment was postponed and the public hearing readvertised to include a concurrent amendment to Section 3-302.6 (Residential Businesses) to delete auto repair garages as special permit uses in the Village and Residential-1 zoning districts. No one spoke. The public hearing was closed. Ms. McCamy moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

ORDINANCE

**AN ORDINANCE APPROVING AN AMENDMENT TO SECTION 3-302.6
(AUTO REPAIR GARAGE) AND SECTION 5-205.5 (ADDITIONAL
STANDARDS FOR AUTO REPAIR GARAGES) OF THE ZONING ORDINANCE**

WHEREAS, the Fauquier County Zoning Ordinance currently permits auto repair garages as a residential business, following special permit approval by the Fauquier County Board of Zoning Appeals, in the RA, RC, RR-2, V, R-1, V, I-1 and I-2 districts; and

WHEREAS, the additional standards currently limit the proprietor of the business to a maximum of four (4) vehicles at any time; and

WHEREAS, this amendment would increase the maximum to six (6) vehicles; and

WHEREAS, the other additional standards for auto repair garages regarding screening and storage would remain in effect; and

WHEREAS, the auto repair garage special permit use is now proposed to be eliminated from the R-1 and V Zoning District categories due to potential impacts with residential neighborhoods; and

WHEREAS, these amendments would be in keeping with the spirit of the Fauquier County Zoning Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 16th day of September 2002, That Section 5-205.5 of the Fauquier County Zoning Ordinance be amended to increase the maximum number of vehicles permitted for auto repair garages as a residential business from four (4) to six (6); and, be it

ORDAINED FURTHER, That Section 3-302 shall be amended to delete auto repair garages as special permit uses in the Village (V) and Residential-1 (R-1) Zoning Districts. The sections shall be amended to read as follows:

5-205 Additional Standards for Auto Repair Garages

1. Must be conducted on the same lot as the proprietor of the business.
2. All employees must reside on the lot and shall not exceed two.
3. All work shall be accomplished and vehicles in excess of two shall be located in a completely screened area and shall not be in any required yard.
4. A minimum of two acres shall be required.
5. Limited to ~~four~~ six vehicles.

3-302 RESIDENTIAL BUSINESS (CATEGORY 2)

| | Site Plan | RC | RA | RR-2 | V | R-1 |
|-----------------------|-----------|----|----|------|---------------|---------------|
| 6. Auto Repair Garage | X | SP | SP | SP | SP | SP |

With no further business, the meeting was adjourned.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on September 16, 2002.

G. Robert Lee
Clerk